

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, APRIL MUÑIZ,  
MARCUS MARTIN, NATALIE ROMERO,  
CHELSEA ALVARADO, JOHN DOE, and  
THOMAS BAKER,

Movants,

v.

MILO YIANNOPOULOS,

Respondent.

Misc. Case. No. 20-241

**DECLARATION OF MICHAEL L.  
BLOCH**

I, MICHAEL L. BLOCH, an attorney duly admitted to practice law before this Court, declares the following to be true under penalty of perjury pursuant to 28 U.S.C § 1746:

1. I am counsel at the law firm of Kaplan Hecker & Fink LLP, attorneys for Movants Elizabeth Sines, Seth Wispelwey, Marissa Blair, April Muñiz, Marcus Martin, Natalie Romero, Chelsea Alvarado, John Doe, and Thomas Baker. I make this declaration in support of Movants' Motion to Compel Milo Yiannopoulos to Comply with Subpoena, which relates to the pending action of *Elizabeth Sines et al. v. Jason Kessler, et al.*, No. 3:15-cv-00072 (W.D. Va.) (NKM) (the "Underlying Litigation").

2. Attached hereto as Exhibit 1 is a true and correct copy of a March 29, 2016 article co-authored by Yiannopoulos titled, "An Establishment Conservative's Guide to the Alt-Right." As of the signing of this declaration, this article is publicly available at: <https://www.breitbart.com/tech/2016/03/29/an-establishment-conservatives-guide-to-the-alt-right/>.

3. Enclosed on a compact disc to be mailed to the Court and labeled as Exhibit 2 thereon is a true and correct copy of a December 15, 2018 internet livestream featuring Richard Spencer, a defendant in the Underlying Litigation, titled, “Richard Spencer on Milo and Breitbart’s Attempt to Takeover the Alt Right.” As of the signing of this declaration, this livestream is publicly available at: <https://altcensored.com/watch?v=WR5FiaIUbQ>.

4. Enclosed on a compact disc to be mailed to the Court and labeled as Exhibit 3 thereon is a true and correct copy of a June 24, 2017 internet podcast featuring Spencer titled, “Alt-Right Politics—This Means War.” As of the signing of this declaration, this podcast is publicly available at: <https://www.spreaker.com/user/altright/alt-right-politics-june-24-2017-this-mea>.

5. Attached hereto as Exhibit 4 is a true and correct copy of a November 3, 2019 internet post by Yiannopoulos on YouTube.com. As of the signing of this declaration, this post is publicly available at: <https://www.youtube.com/watch?v=4cCS1cP69Wo>.

6. Enclosed on a compact disc to be mailed to the Court and labeled as Exhibit 5 thereon is a true and correct copy of an August 12, 2017 recording of Richard Spencer, released on YouTube.com by Yiannopoulos on November 3, 2019 titled, “LEAKED AUDIO: Richard Spencer reacts to the death of Heather Heyer (EXPLICIT).” As of the signing of this declaration, this recording is publicly available at: <https://soundcloud.com/user-546964481/leaked-audio-richard-spencer-reacts-to-the-death-of-heather-heyer-explicit>.

7. Attached hereto as Exhibit 6 is a true and correct copy of a January 30, 2018 “Memorandum in Support of Motion to Dismiss of Defendant Richard Spencer,” filed by Spencer in the Underlying Litigation. *See* No. 17-cv-00072 (W.D. Va.), Dkt. No. 209.

8. Enclosed on a compact disc to be mailed to the Court and labeled as Exhibit 7 thereon is a true and correct copy of a October 9, 2017 internet podcast featuring Spencer titled,

“Alt-Right Politics – Taking A Stand.” As of the signing of this declaration, this podcast is publicly available at: <https://www.spreaker.com/user/altright/alt-right-politics-october-9-2017-taking>.

9. Attached hereto as Exhibit 8 is a true and correct copy of a November 5, 2019 subpoena served by the plaintiffs in the Underlying Litigation on Yiannopoulos.

10. Attached hereto as Exhibit 9 is a true and correct copy of a message issued on Telegram by Yiannopoulos on November 6, 2019. As of the signing of this declaration, this message is publicly available at: <https://t.me/s/MiloOfficial?q=delighted+to+supply>.

11. Enclosed on a compact disc to be mailed to the Court and labeled as Exhibit 10 thereon is a true and correct copy of a December 3, 2019 internet livestream featuring Yiannopoulos titled, “The Ralph Retort – Milo Yiannopoulos Live.” As of the signing of this declaration, this livestream is publicly available at: <https://killstream.zencast.website/episodes/313>.

12. Attached hereto as Exhibit 11 is a true and correct copy of December 6, 2019 email correspondence between myself, in my role as counsel for the plaintiffs in the Underlying Litigation, and Yiannopoulos.

13. Attached hereto as Exhibit 12 is a true and correct copy of December 6–12, 2019 email correspondence between myself, in my role as counsel for the plaintiffs in the Underlying Litigation, and Yiannopoulos.

14. On December 18, 2019, I met with Yiannopoulos to discuss the subpoena served on him on November 5, 2019 in connection with the Underlying Litigation. The meeting took place at the law offices of Kaplan Hecker & Fink LLP, 350 Fifth Avenue, New York, NY 10118. During that meeting, Yiannopoulos made the following representations, in sum and substance:

- a. Yiannopoulos represented that he possessed between twenty and thirty distinct audio recordings that ranged in length from ten minutes to two hours, that those recordings were of Spencer and his lieutenants, including certain other of the defendants in the Underlying Litigation. Yiannopoulos further represented that the recordings included planning sessions of the Unite the Right rally in Charlottesville, VA, that took place on August 11 and 12, 2017, and that the individuals recorded were spoiling for a fight.
- b. Yiannopoulos represented that he possessed a video of Spencer throwing up a roman salute, otherwise known as a Nazi salute.
- c. Yiannopoulos represented that the audio he had publicly released on November 3, 2019 was of a meeting called by Spencer on August 12, 2017, and that also in attendance were Elliott Kline, Evan McLaren, Gregory Conte, Yiannopoulos' source, and two or three unidentified people.
- d. Yiannopoulos represented that the materials he was describing during this meeting were at his home in New York on a single external hard drive.
- e. Yiannopoulos represented that he was willing to voluntarily comply with the subpoena served on him in the Underlying Litigation, but that the current scope was too large for him to properly respond to. In light Yiannopoulos' representation that he was going to voluntarily comply, I agreed to narrow the scope of the subpoena.
- f. Yiannopoulos asked me how he should go about not disclosing information to the plaintiffs if instructed to do so by the FBI. I reminded Yiannopoulos that I was not his lawyer.

15. Attached hereto as Exhibit 13 is a true and correct copy of a January 9, 2020 letter from myself, in my role as counsel for the plaintiffs in the Underlying Litigation, to Yiannopoulos.

16. Attached hereto as Exhibit 14 is a true and correct copy of December 29, 2019 to January 26, 2020 email correspondence between myself, in my role as counsel for the plaintiffs in the Underlying Litigation, and Yiannopoulos.

17. Attached hereto as Exhibit 15 is a true and correct copy of January 30, 2020 to February 12, 2020 email correspondence between myself, in my role as counsel for the plaintiffs in the Underlying Litigation, and Yiannopoulos.

18. Enclosed on a compact disc to be mailed to the Court and labeled as Exhibit 16 thereon is a true and correct copy of a May 13, 2016 video of Spencer, released on YouTube.com by Yiannopoulos on April 6, 2020 titled "Richard Spencer yells 'Sieg Heil!' and gives Nazi salute in Charlottesville [CENSORED.TV EXCLUSIVE]." As of the signing of this declaration, this video is publicly available at: <https://www.youtube.com/watch?v=uvCJuwcE074>.

19. Attached hereto as Exhibit 17 is a true and correct copy of a message issued on Telegram by Yiannopoulos on April 6, 2020. As of the signing of this declaration, this message is publicly available at: <https://t.me/s/MiloOfficial>.

20. Attached hereto as Exhibit 18 is a true and correct copy of a message issued on Telegram by Yiannopoulos on June 13, 2020. As of the signing of this declaration, this message is publicly available at: <https://t.me/s/MiloOfficial?q=spencer>.

21. On June 24, 2020, I gave Yiannopoulos notice by e-mail that the Movants would be filing a motion to compel compliance with the Subpoena on June 25, 2020.

Dated: June 25, 2020  
New York, New York

/s/ Michael L. Bloch  
Michael L. Bloch